



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Ecology

☒ **Permanent Rule**
☐ **Emergency Rule**

Effective date of rule:

Permanent Rules

☒ 31 days after filing
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☒ Yes ☐ No If Yes, explain: ESHB 1397 specified that this rule be signed by the Governor, that Ecology convene an advisory committee of industry and consumer group representatives, and that the rule is only effective for years in which Oregon has adopted the California emission standards. These actions were done or provided for in rule.

Purpose: This new chapter of the Washington Administrative Code implements ESHB 1397 by adopting specific California emission standards by reference, establishing that the requirements begin in the 2009 model year, establishing certain exemptions, providing for a phase-in of the requirements, and establishing reporting, compliance and enforcement procedures that affect automobile manufacturers and dealers.

Citation of existing rules affected by this order:

Repealed:
Amended:
Suspended:

Statutory authority for adoption: ESHB 1397 codified as RCW 70.120A.010

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-20-099 on October 5, 2005.

Describe any changes other than editing from proposed to adopted version: The phase-in period for the fleet average NMOG standard was reduced from four years to three years and now allows up to two years of debits to be eliminated instead of being offset with future credits. The proposed phase in requirements were intended to allow manufacturers to build up credits in order to avoid any penalties during the start up of this program in Washington. The changed provisions achieve this same effect while preserving a degree of compliance pressure during this period.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Bob Saunders phone (360) 407-6888
Address: P.O. Box 47600 fax (360) 407-7534
Olympia, WA 98507-7600 e-mail rsau461@ecy.wa.gov

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule

Reasons for this finding:

Date adopted: November 30, 2005

NAME

Jay J. Manning

SIGNATURE

TITLE

Director, Department of Ecology

SIGNATURE of Governor Christine O. Gregoire

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 30 2005

TIME 4:32
WGR 05-24-044

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>2</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>16</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted using: Not applicable

Negotiated rule making:	New	<u> </u>	Amended	<u> </u>	Repealed	<u> </u>
Pilot rule making:	New	<u> </u>	Amended	<u> </u>	Repealed	<u> </u>
Other alternative rule making:	New	<u> </u>	Amended	<u> </u>	Repealed	<u> </u>